

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
\$59,996.00 IN MONEY ORDERS; and)	
)	<u>COMPLAINT IN FORFEITURE</u>
\$20,970.00 IN U.S. CURRENCY,)	
)	
Defendants.)	

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and Phillip J. Tripi, Assistant U.S. Attorney, and files this Complaint in Forfeiture, alleging on information and belief the following:

JURISDICTION AND INTRODUCTION

1. This Court has jurisdiction over this *in rem* proceeding pursuant to 28 U.S.C. §§ 1345 and 1355, and 21 U.S.C. § 881.
2. This Court has venue in this matter pursuant to 28 U.S.C. § 1395.
3. Defendant \$59,996.00 in Money Orders and Defendant \$20,970.00 in U.S. Currency (hereinafter “defendant money orders and currency”) were seized on April 30, 2018. The defendant money orders and currency are now in the possession of the federal government.
4. Subsequent to the seizure, the Federal Bureau of Investigation (hereinafter “FBI”) commenced administrative forfeiture proceedings against the defendant money orders and

currency. Claims to the defendant money orders and currency were submitted in the administrative forfeiture proceeding by Anthony B. Rivera (hereinafter "Rivera"), necessitating the filing of this judicial forfeiture action.

5. The defendant money orders and currency are subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6), because they constitute proceeds traceable to drug trafficking activities and/or were used or intended to be used to facilitate drug trafficking in violation of 21 U.S.C. §§ 841(a) and/or 846.

FORFEITURE COUNT

6. On April 28 and 29, 2018, Rivera purchased money orders from K-Mart in Middleburg Heights, Ohio, and Marc's in Strongsville, Ohio.

7. On April 28, 2018, an FBI Task Force Officer (hereinafter "TFO") received information from a confidential source that a person known to law enforcement to be engaged in drug trafficking activities had rented a room for two nights, at the Airport Sheraton Hotel in Cleveland, Ohio.

8. On April 29, 2018, the FBI learned that the person renting the room left the hotel after registration and another unknown male holding a small rolling suitcase, later determined to be Rivera, was the occupant of the hotel room.

9. The FBI conducted surveillance of the room.

10. On April 29, 2018, Rivera left the room at approximately 12:25 p.m., without bags or luggage. He then entered the back seat of an automobile and was driven away from the hotel.

11. On April 30, 2018, at approximately 2:50 a.m., Rivera returned to the hotel room,

carrying a backpack.

12. On April 30, 2018, at approximately 6:22 a.m., two FBI TFOs encountered Rivera as he approached the check-in counter at Cleveland Hopkins International Airport. The TFOs identified themselves and asked to speak with Rivera, who was in possession of one small suitcase and one backpack.

13. Rivera agreed to speak to the TFOs who began questioning him regarding his stay in Cleveland.

14. Rivera initially stated he was in Cleveland for the past four days visiting friends, but could not recall where any of his friends lived.

15. Rivera then said he owned a cellular phone store and that he had been staying at the Airport Sheraton Hotel.

16. Rivera gave his consent to the search of his luggage and backpack.

17. When asked whether he had any large amounts of cash, Rivera produced defendant currency from his front right pants pocket and stated it was approximately \$20,000.

18. The TFOs discovered a sealed envelope in the backpack.

19. When asked what the envelope contained, Rivera said it was business-related.

20. In response to further questioning, Rivera claimed the contents of the envelope were confidential business-related information and that he was unaware of the specific contents.

21. When questioned why he, as the owner of the business, was unaware of the contents of the envelope, Rivera then claimed he was not the actual owner of the company but only a shareholder.

22. When asked, Rivera refused to provide the name of the actual owner of the

cellular telephone store.

23. After opening the envelope, the TFOs discovered approximately ten \$500 money orders.

24. Rivera initially denied knowing where the money orders came from or what they were intended for.

25. The TFOs continued the search of other sealed envelopes which had been hidden throughout the backpack and found that the envelopes contained numerous other money orders.

26. After discovering the large number of money orders, Rivera stated that the owner of the cellular telephone store was going through a divorce and was trying to hide his money from his wife.

27. Rivera claimed the money orders were a way to hide the money from the owner's wife and then inquired of the TFOs whether it was illegal to have \$60,000 in money orders.

28. Based upon the totality of the circumstances, the FBI seized the defendant money orders and currency. It was determined that the defendant currency totaled \$20,970 and the defendant money numbers had an aggregate value of \$59,996.

29. Rivera has a drug-related criminal history which includes an arrest on May 9, 2009, in Oakland, California, on felony drug manufacturing/possession charges

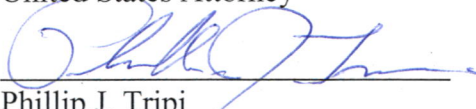
30. By reason of the foregoing, the defendant money orders and currency are subject to forfeiture to the United States pursuant to the statutory authority set forth in paragraph 5 hereof.

WHEREFORE, plaintiff prays that this Court enter judgment condemning the defendant money orders and currency and forfeiting them to the United States of America for disposition according to law and for such other relief as this Court may deem just and proper.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By:

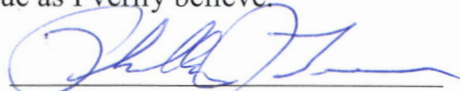


Phillip J. Tripi
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United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
Phone: (216) 622-3769
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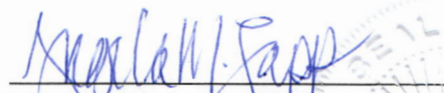
VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, Phillip J. Tripi, being first duly sworn, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and one of the attorneys for the Plaintiff in this action. Under penalty of perjury I depose and say the foregoing Complaint in Forfeiture is based upon information officially provided to me and is true as I verily believe.


Phillip J. Tripi
Assistant U.S. Attorney

Sworn to and subscribed in my presence this 30th day of August, 2018.


Notary Public



Angela M. Lapp
Notary Public
State of Ohio
County of Cuyahoga
My Comm. Exp. 11/28/2021

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

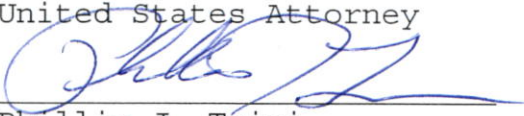
UNITED STATES OF AMERICA,)	CIVIL ACTION NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
\$59,996.00 IN MONEY ORDERS, et al.)	
)	
Defendant.)	<u>PRAECIPE</u>

Please issue a Warrant of Arrest in Rem to the U.S.
Marshals Service on behalf of the United States Attorney's
Office.

Respectfully submitted,

Justin E. Herdman
United States Attorney

By:


Phillip J. Tripi
Assistant U.S. Attorney
Reg. No. 0017767
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
(216) 622-3769
Fax: (216) 522-7499
Phillip.tripi@usdoj.gov

United States District Court

NORTHERN DISTRICT OF OHIO

WARRANT OF ARREST *IN REM*

TO: THE UNITED STATES MARSHAL AND/OR ANY OTHER DULY AUTHORIZED LAW
ENFORCEMENT OFFICER:

WHEREAS, on August 31, 2018 a Complaint in Forfeiture
was filed in this Court by Justin E. Herdman, United States Attorney for this District, on behalf of the United
States, against:

\$59,996.00 in Money Orders and \$20,970.00 in U.S. Currency

CATS Asset ID: 18-FBI-003507

CATS Asset ID: 18-FBI-003955

and WHEREAS, the defendant property is currently in the possession, custody or control of the United
States; and,

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions directs the Clerk of the Court to issue a warrant of arrest *in rem* for the arrest of the defendant
property; and,

WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions provides that the warrant of arrest *in rem* must be delivered to a person or organization
authorized to execute it;

YOU ARE COMMANDED to arrest the defendant properties by serving a copy of this warrant on the
custodian in whose possession, custody or control the property is presently found, and to use whatever means may
be appropriate to protect and maintain it in your custody until further order of this Court.

YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon.

WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE

CLERK

(BY) DEPUTY CLERK

Returnable -60- days after issue.

UNITED STATES MARSHALS SERVICE

DISTRICT

DATE RECEIVED

DATE EXECUTED

U.S. MARSHAL

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF United States of America	COURT CASE NUMBER
DEFENDANT \$59,996.00 IN MONEY ORDERS, et al.	TYPE OF PROCESS Warrant of Arrest in Rem
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN SERVE AT { \$59,996.00 IN MONEY ORDERS AND \$20,970.00 IN U.S. CURRENCY ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Phillip J. Tripi, Assistant United States Attorney
Office of the United States Attorney
400 United States Courthouse
Cleveland, Ohio 44113

Number of process to be served with this Form 285	1
Number of parties to be served in this case	2
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

CATS IDs: 18-FBI-003507, 18-FBI-003955

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

216-622-3769

DATE

8/31/18

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)					
Name and title of individual served (if not shown above)				<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)				Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
				Signature of U.S. Marshal or Deputy	
Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

IN THE UNITED STATES DISTRICT COURT
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v.)	
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\$59,996.00 IN MONEY ORDERS, et al.)	
)	
Defendant.)	<u>NOTICE</u>

Party-in-Interest: Robert J. Beles, Esq.
Counsel for Anthony B. Rivera
Beles & Beles
The Ordway Building
1 Kaiser Plaza, Suite 2300
Oakland, California 94612

The above-captioned forfeiture action was filed in the U.S. District Court on August 31, 2018. A copy of the complaint is attached. If you claim an interest in any of the defendant properties, the following applies.

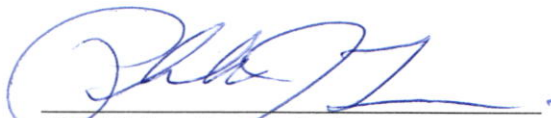
Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, you are required to file with the Court, and serve upon Phillip J. Tripi, plaintiff's attorney, whose address is United States Attorney's Office; United States Court House; 801 West Superior Avenue, Suite 400; Cleveland, Ohio 44113, a verified claim to the defendant properties within thirty-five (35) days after your receipt of

the complaint. Said claim shall contain the information required by Rule G(5) of the said Supplemental Rules. Additionally, you must file and serve an answer to the complaint or a motion under Rule 12 of the Civil Rules of Procedure, within twenty (20) days after the filing of the claim, exclusive of the date of filing. If you fail to do so, judgment by default will be taken for the relief demanded in the complaint.

Very truly yours,

Justin E. Herdman
United States Attorney

Date: August 31, 2018 By:



Phillip J. Tripi
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